Attorney Docket No.:

PATIBNT 9/2

Assistant Commissioner for Patents Washington, D.C. 20231

3/5/03

TOWNSEND and TOWNSEND and CREW LLP

By: Janga K. Handi

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jonathan B. Rothbard

Application No.: 09/779,693

Filed: February 7, 2001

For: COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS BIOLOGICAL MEMBRANES

AND TISSUES

Examiner:

Dameron Jones

Art Unit:

1614

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed February 4, 2003, Applicant elects group II, claims 32-40, drawn to a composition. This selection, along with the species election, is made with traverse as no undue burden exists to search and examine all of the claimed compounds.

In addition, Applicant elects, for search purposes only, taxol for the biological agent, and a peptide containing exactly 7 L-arginine members.

Claims readable on taxol, include claims 32, 33 and 38. Claims readable on the 7-membered L-arginine peptide include claims 32 and 40.

Jonathan B. Rothbard Application No.: 09/779,693

Page 2

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

Will 3 lbg William B. Kezer Reg. No. 37,369

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8<sup>th</sup> Floor San Francisco, California 94111-3834 Tel: 925-472-5000

Fax: 415-576-0300

WBK:art WC 9053811 v1 Thereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 019801-056

RECEIVED

MAR 1 1 2003

CENTER 1600/290

Assistant Commissioner for Patents Washington, D.C. 20231

On\_\_\_\_\_3/5/03

TOWNSEND and TOWNSEND and CREW LLP

By: Jenja K. Hardi

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jonathan B. Rothbard

Application No.: 09/779,693

Filed: February 7, 2001

For: COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS BIOLOGICAL MEMBRANES

AND TISSUES

Examiner:

Dameron Jones

Art Unit:

1614

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

This amendment has been prepared under the newly revised format set forth by the USPTO in the Office of Patent Legal Administration Pre-OG Notice of January 31, 2003. It is the Applicant's understanding that by following the provisions of the new format, the provisions under 37 CFR § 1.121(a), (b), (c) and (d) are waived for amendments to the claims, specification and drawings.

Amendments to the claims are reflect in the list of claims beginning on page 2 of the present amendment.

Remarks begin on page 8 of the present amendment.